

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, MISSISSIPPI

ANDREW LEE DUFF

PLAINTIFF

VS.

2021 AUG -4 PM 4:01

Dorcas Gail Johnson
CIRCUIT CLERK

NO. 21-CV-103 BB

**JAMES SMITH, JR., BAGGETT TRANSPORTATION a/k/a BAGGETT
TRANSPORTATION COMPANY and
JOHN DOES 1-3**

DEFENDANTS

COMPLAINT

JURY TRIAL DEMANDED

COMES NOW Andrew Lee Duff, by and through counsel, and files this Complaint against Defendants **JAMES SMITH, JR., BAGGETT TRANSPORTATION a/k/a BAGGETT TTRANSPORTATION COMPANY and JOHN DOES 1-3** and in support thereof says the following:

1. Andrew Lee Duff is an adult resident citizen of Hinds County, Mississippi.
2. James Smith, Jr. is an adult resident of South Carolina. He may be served with process of this court pursuant of Rule 4 of the M.R.C.P at 6077 Misfit Ranch Rd, Windsor, SC 29856.
3. Baggett Transportation a/k/a Baggett Transporation Company is a foreign entity doing business in the State of Mississippi and may be served pursuant of Rule 4 of the M.R.C.P through its registered agent, United States Corporation Company, 7716 Old Canton Rd, Madison, MS.

4. John Does 1-3 are parties who may have ownership of the subject vehicle but their identities are unknown at this time. Substitution of the true party names will be made pursuant to M.R.C.P. 9(h).

5. Heretofore on the 8th day of August, 2018, the Plaintiff was the operator of a motor vehicle sitting still at the intersection Exit 151 Westbound and 49th Ave in Meridian, MS. Defendant Smith was operating a vehicle approaching the intersection at the same time Plaintiff was stopped.

6. At the same time and location aforesaid, Plaintiff was operating his vehicle in a lawful and proper manner, taking into account the conditions then existing, and was stopped at the traffic light and was generally operating his vehicle in a proper, prudent and lawful manner.

7. At said time of the subject collision, Plaintiff was stopped in the crossover of the subject intersection when the automobile he was driving was impacted from the passenger side by Defendants' vehicle. Defendants' vehicle is an 18 wheeler rig with trailer.

8. The collision and resulting damages were solely and proximately caused by the negligence of Defendants who, at the time and location of said collision, failed to stop, failed to operate the vehicle in a lawful and proper manner; failed to maintain a proper lookout; and other unspecified acts of negligence which were the sole proximate cause of the subject collision.

9. On information and belief, Defendant Smith was an employee and/or agent of Defendants Baggett Transportation a/k/a Baggett Transportation Company and John Does 1-3, and operating in the course and scope of his employment and/or agency with Defendants Baggett Transportation and John Does 1-3, rendering all Defendants liable for the actions of Defendant Smith.

10. The aforesaid collision occurred in Lauderdale County, Mississippi.

11. As a result of aforesaid accident, Plaintiff has suffered personal injuries, lost wages, pain and suffering, and substantial property damage to his vehicle entitling him to recovery of damages from and against the Defendant.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Andrew Lee Duff prays for judgment of and against Defendants in the amount of \$500,000.00, jointly and severally, along with all costs incurred.

Respectfully submitted,

ANDREW LEE DUFF

BY: 

PAUL E. ROGERS

PAUL E. ROGERS, MSB #5649
Rogers, Ainsworth & Williams, PLLC
567 Highway 51, Suite B
Ridgeland, MS 39157
Telephone: (601) 969-7777
Facsimile: (601) 352-8658
E-mail: paul@rogersawlaw.com